

**MINUTES**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA NORTHERN, DIVISION**

**HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA**

**DATE COMMENCED: 9/20/05 AT 10:00 a.m. to 10:33 a.m.**

**DATE COMPLETED: 9/20/05 AT FTR RECORDING**

CALVIN SCOTT, JR.

Plaintiff

vs..

JAMES SWEARENGIN, JR.

Defendant

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CASE NO. 2:05CV651-T-CSC

CALVIN SCOTT, JR.

Plaintiff

vs..

RAY DENNIS, et al

Defendant

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CASE NO. 2:05CV652-F-CSC

**PLAINTIFF**

**APPEARANCES:**

**DEFENDANT**

Mr. Calvin Scott, Jr. (Gladys Scott) Pro Se

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Atty. Margaret Fleming  
Atty. Stephen Simpson

**COURT OFFICIALS PRESENT:**

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK:

( X ) OTHER PROCEEDINGS:

**ORAL ARGUMENT - CONSOLIDATE CASES**

**SEE MINUTES**

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
<b>Description</b>	Oral Argument - 2:05CV651-T-CSC		
<b>Date</b>	9 /20/2005	<b>Location</b>	Courtroom 4B
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
10:00:41 AM	Court	Court Convenes; parties present as noted above ; Discussion as to why cases should not be consolidated w/05cv652-F;	
10:01:02 AM	Mr. Scott	Response; Discussion as to deft's defamation of character;	
10:01:22 AM	Court	Discussion of claims against defts; Information pro se plntf that he did not have to file two lawsuits;	
10:01:35 AM	Mr. Scott	Does care about it being one case;	
10:01:48 AM	Court	What is it you're asking for?	
10:01:50 AM	Mr. Scott	Asking for a million dollars from each one;	
10:01:53 AM	Court	Why;	
10:01:57 AM	Mr. Scott	They broke the law;	
10:01:59 AM	Court	Which law did they break?	
10:01:59 AM	Mr. Scott	All of them; Title I, II, Title V;	
10:02:06 AM	Court	Tell the court what it is they did to you that was wrong;	
10:02:15 AM	Mr. Scott	Response; Deft told lies on he and his wife of plaintiff causing problems in bldg; Discussion as to wife parking; Was told to move out of bldg. ; Had three requests;	
10:04:45 AM	Court	What were those requests;	
10:04:45 AM	Mr. Scott	That the snack machines be moved to where the people can see them; They be given a swipe key to get through areas that were locked on the fourth floor; Need parking place on the dock;	
10:10:24 AM	Court	Discussion with defense counsel as to letter in the file that says Mr. Scott can file a lawsuit but there is no indication that he was given a hearing;	
10:10:41 AM	Court	Addresses counsel for deft re: hrg;	
10:11:13 AM	Atty. Simpson	Response; Discussion of Plaintiff given a security card to swipe to get into the 4th floor areas in 1994;	
10:12:13 AM	Court	Addresses concern as to whether there should be an administration hearing;	
10:12:34 AM	Atty. Simpson	Response as to communication with plaintiff regarding hearing; The hearing was set up, but received a letter from Mr. Scott that he will not attend;	
10:13:21 AM	Court	Discussion as to why plntf was told that he could file a civil action;	
10:13:28 AM	Atty. Simpson	Response. Letter came from the office of civil rights;	
10:13:58 AM	Court		
10:14:05 AM	Atty. Scott	Response as to why he did not attend the administrative. hrg;	
10:14:40 AM	Court	Discussion with plntf as to legal requirements must go through and one is an administratong hrg. before filing a civil action; The law requires to go through the administrative hearing;	

10:15:32 AM	Atty. Scott	Addresses reasons why he did not not go to admin. hrg.
10:16:45 AM	Court	Discussion as to lies doesn't give basis for filing lawsuit;
10:17:04 AM	Mr. Scott	Why?
10:17:04 AM	Court	Because that's law;
10:17:20 AM	Atty. Scott	Discussion as to lies told;
10:17:29 AM	Court	Discussion of going through administrative process;
10:17:49 AM	Mr. Scott	Response; They inventoried him out;
10:17:53 AM	Court	What is the complaint;
10:18:03 AM	Mr. Scott	They broke the laws;
10:18:05 AM	Court	What is it you think they did wrong?
10:18:15 AM	Mr. Scott	They discriminated on me.
10:18:17 AM	Court	How?
10:18:18 AM	Mr. Scott	Response;n Received 3 threatening letters to get rid of his wife;
10:18:43 AM	Court	Did they do anything about?; You are back to work and wife is able to help you?
10:18:52 AM	Mr. Scott	Response;
10:19:01 AM	Mrs. Scott	Addresses the court as to request for swipe key;
10:20:22 AM	Court	Questions to plntf as to rights to all parts of bldg;
10:20:29 AM	Mrs. Scott	Don't think have right to all areas of the bldg, but was given a key and then was keyed out, he does have right to get to snake machines;
10:20:46 AM	Court	Are the snack machines still there?
10:20:48 AM	Mrs. Scott	Yes;
10:20:54 AM	Court	Addresses defense counsel;
10:21:01 AM	Atty. Simpson	Response; Plntfs were initial given a swipe key; Bld manager requested that it be turned back in and that a process be set up where they can check the out on a particular day and return the key back in;
10:21:21 AM	Mr. Scott	They did not tell us that;
10:21:24 AM	Atty. Simpson	That was what we were told;
10:21:24 AM	Mr. Scott	They did not tell us that;
10:21:28 AM	Court	What's wrong with that process?
10:21:36 AM	Mrs. Scott	He had given a permanent key to keep; Discussion of 3 request;
10:22:13 AM	Court	Response; Requires that there be an administrative hearing;
10:22:22 AM	Mrs. Scott	Wasn't given a chance for hearing because he was inventoried out;
10:22:45 AM	Court	Plaintiff's informed that there is nothing the court can do until they go through the administrative hearing process;
10:23:07 AM	Mrs. Scott	Response;
10:23:16 AM	Court	Discussion as to things complaining of today are matters that requires an admin. hearing ;
10:23:35 AM	Mrs. Scott	Response;
10:23:52 AM	Court	Plaintiff advised that they must go through the admin. hearing;
10:24:52 AM	Mrs. Scott	Response;

10:25:06 AM	Court	Nothing the court can do until you have gone through the administrative process; Court addresses the defense lawyers;
10:26:40 AM	Mrs. Scott	Response;
10:27:41 AM	Mr. Scott	Response;
10:28:04 AM	Court	Addresses plaintiff's that they are not going to get everything you demand;
10:28:59 AM	Mrs. Scott	Discussion of hearing;
10:29:07 AM	Court	Will enter order consolidating cases; and gives the Dept 30 days to setup and admin. hrg. Will stay cases until the court is informed of the results of that hearing; Plaintiff's advised to go to that hearing; Parties advised to sit down and talk to one another and put aside anger;
10:30:20 AM	Mrs. Scott	Response to not being angry;
10:30:29 AM	Mr. Scott	Not angry, but disappointed;
10:30:29 AM	Court	
10:30:54 AM	Mr. Scott	Addresses the court as to the admin. hrg.
10:31:24 AM	Court	Parties advised to listen; and work things out together;
10:32:07 AM	Mr. Scott	Agrees;
10:33:36 AM	Court	Court is recessed.